

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE:

Margaret Ebangah Ayuk,  
Abraham Ako Mbo

CASE NO.: 17-32758  
CHAPTER 13

**DEBTORS', OBJECTION TO PROOF OF CLAIM ON BEHALF**  
**U.S. ROF III LEGAL TITLE TRUST 2015-1, U.S. BANK NATIONAL ASSN.,**  
**LEGAL TITLE TRUSTEE**

TO: U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee (Fay Serving) by and through its attorney of record, John Schlotter, 1544 Old Alabama Road, Roswell, GA 30046; United States Trustee, David G. Peake, Ch. 13 Trustee, and other entities specified in Local Rule.

1. The debtors, by its undersigned attorney, Betty J. Parrimore, moves the Court for an Objection to U.S. ROF III LEGAL TITLE TRUST 2015-1, U.S. BANK NATIONAL ASSN., LEGAL TITLE TRUSTEE ( hereinafter U.S. Bank National) Proof of Claim filed in the above-referenced case.
2. The Court will hear this objection on the Chase Bank Proof of Claim on or about September 25, 2017 at 9:00 a.m. in Courtroom 600, 6<sup>th</sup> floor, at 515 Rusk, Ave., Houston, TX 77002, or as soon thereafter as counsel may be heard.
3. Any response to this Objection must be filed and served not later than September September 22, 2017, before the time set for the hearing. **UNLESS A RESPONSE OPPOSING THE OBJECTION IS TIMELY FILED THE COURT MAY GRANT THE OBJECTION WITHOUT HEARING.**
4. This Court has jurisdiction under 28 U.S.C. Sections 157 & 1334, Fed. R. Bankr. P. 3007 and Local Rule 3007-1. This proceeding is a core proceeding. The petition commencing this Chapter 13 was filed May 1, 2017. The case is now pending in this Court.
5. The debtors are objecting to the U.S. Bank National's Proof of Claim, filed on or about September 7, 2017, alleging \$58,075.15 as the total arrearage amount to be cured by plan. This Proof of Claim reflects debtors monthly mortgage payments at \$2121.91, which includes principal, interest, escrow and insurance payments. The monthly payment of 2121.91 multiplied by 24 monthly payments does not equal \$58,075.15. Further, the Proof of Claim's Part V of the Payment History reflects \$52,133.72. The Part V Payment History includes Principal, Interest & Escrow outstanding arrearage. The Debtors had been informed that the arrearage owing was \$52,133.72 and the Debtors Plan and Plan Summary was based on the communication of \$52,133.72 being the arrearage needed to cure the indebtedness to U.S. Bank National. The creditor, U.S. Bank National, has incorrectly calculated the arrearage debt for the debtors home at \$58,075.15. Debtor's

interest, principal and escrow amounts, and fees are reflected on Part V of the Payment History of the U.S. Bank National's Proof of Claim as of June 1, 2017 reflecting \$52,133.72 which is correct amount of arrearages owed by Debtors.

WEREFORE PREMISES CONSIDERED, Debtors, Margaret Ebangah Ayuk and Abraham Ako Mbo, respectfully requests that the Court deny the relief requested in the Creditor, U.S. ROF III LEGAL TITLE TRUST 2015-1, U.S. BANK NATIONAL ASSN., LEGAL TITLE TRUSTEE'S Proof of Claim, thereby Sustaining/Granting the Debtor's Objection regarding the U.S. ROF III LEGAL TITLE TRUST 2015-1, U.S. BANK NATIONAL ASSN., LEGAL TITLE TRUSTEE'S Proof of Claim and for such other and further relief as the Court may deem Debtors entitled, just and proper.

Dated: September 20, 2017

Respectfully submitted,

/s/Betty J. Parrimore

Betty J. Parrimore  
SB# 10684700  
9435 Hudson Bend Circle  
Houston, Texas 77095  
(281) 855-0400  
(281) 856-8771 (fax)  
parrimore@aol.com: email  
Attorney for Margaret Ebangah Ayuk and  
Abraham Ako Mbo, Debtors

#### **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing Objection to U.S. ROF III LEGAL TITLE TRUST 2015-1, U.S. BANK NATIONAL ASSN., LEGAL TITLE TRUSTEE'S Proof of Claim was served by electronic mail via ecf, means or by regular first class mail on this 20<sup>th</sup> day of September, 2017, to all parties of record in this matter pursuant to Fed. R. Civ. Pro.

/s/Betty J. Parrimore

Betty J. Parrimore

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**ORDER**

CAME ON to be heard was the Debtor's Objection to Creditor, U.S. ROF III LEGAL TITLE TRUST 2015-1, U.S. BANK NATIONAL ASSN., LEGAL TITLE TRUSTEE's, Proof of Claim filed September 7, 2017, in the above styled and numbered cause. In consideration of the same, and evidence offered thereto, the Court is of the opinion that proper notice to all parties in interest has been given regarding the Debtors' Objection to the U.S. ROF III LEGAL TITLE TRUST 2015-1, U.S. BANK NATIONAL ASSN., LEGAL TITLE TRUSTEE's Proof of Claim, and should be Granted/Sustained and the U.S. ROF III LEGAL TITLE TRUST 2015-1, U.S. BANK NATIONAL ASSN., LEGAL TITLE TRUSTEE's Proof of Claim herein be rejected/denied. IT IS THEREFORE, ORDERED that the Debtor's Objection to the Creditor, U.S. ROF III LEGAL TITLE TRUST 2015-1, U.S. BANK NATIONAL ASSN., LEGAL TITLE TRUSTEE's, Proof of Claim be Granted/Sustained and the U.S. ROF III LEGAL TITLE TRUST 2015-1, U.S. BANK NATIONAL ASSN., LEGAL TITLE TRUSTEE's Proof of Claim is hereby rejected and Denied.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2017.

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United States Bankruptcy Judge